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Commission on  
Judicial Performance

STATE OF CALIFORNIA  
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING  
JUDGE PATRICK COUWENBERG,  
NO. 158.

FIRST AMENDED NOTICE OF  
FORMAL PROCEEDINGS

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To Patrick Couwenberg, a judge of the Los Angeles County Superior Court  
from April 24, 1997, to the present.

Preliminary investigation pursuant to Rules of the Commission on Judicial  
Performance, rules 109 and 111, having been made, the Commission on Judicial  
Performance has concluded that formal proceedings should be instituted to inquire  
into the charges specified against you herein.

By the following allegations, you are charged with willful misconduct in  
office, conduct prejudicial to the administration of justice that brings the judicial  
office into disrepute, and improper action within the meaning of Article VI, section  
18 of the California Constitution providing for removal, censure, or public or  
private admonishment of a judge or former judge, to wit:

## COUNT ONE

As part of your application for appointment to judicial office in either Los Angeles County or Orange County, you submitted to the office of the Governor of California a Personal Data Questionnaire (PDQ) dated October 18, 1993, in which you provided false information, as follows:

Under "Educational History":

1. The fact that you had attended Chaffey Junior College from 1963 to 1966 was omitted from the PDQ.
2. The PDQ stated that you had attended "Cal. St. Polytechnic University" from "9/64" to "6/68." (You had attended California State Polytechnic University, Pomona from 1966 to 1968.)
3. The PDQ stated that you had attended "Cal. St. University L.A." from "9/70" to "6/72" and received an "M.S." (You had not received any degree from, nor had you ever been enrolled at, California State University, Los Angeles; nor had you ever received a master's degree from any school.)
4. The fact that you had attended Western State University College of Law from 1969 to 1970 was omitted from the PDQ.
5. The PDQ stated that you had attended "Loyola Law School" from "9/72" to "6/73." (You had never attended Loyola Law School.)
6. The PDQ stated that you had attended "University of La Verne Law School" from "9/73" to "6/76" and received a "J.D." degree. (You had attended La Verne College Law Center from 1970 to 1973; you had received a J.D. from La Verne College Law Center in 1973. You were admitted to the State Bar of California in 1976; between 1973 and 1976 you failed the California bar examination five times.)

Under "honors ... or other forms of recognition," the PDQ stated "Who's Who in American Law." Your biography is included in *Who's Who in American Law*, 4<sup>th</sup> ed., 1985-1986. However, the biography states, "M.S., Calif. State U. -

Los Angeles, 1972.” (You had not received any degree from, nor had you ever been enrolled at, California State University, Los Angeles; nor had you ever received a master's degree from any school.)

Your conduct violated the Code of Judicial Ethics, canon 5B.

## COUNT TWO

As part of your application for appointment to the judicial office which you currently hold, you submitted to the office of the Governor of California a Personal Data Questionnaire (PDQ), dated July 10, 1996, in which you provided false information, as follows:

Under “Educational History”:

1. The fact that you had attended Chaffey Junior College from 1963 to 1966 was omitted from the PDQ.
2. The PDQ stated that you had attended “Cal. St. Polytechnic University” from “9/64” to “6/68.” (You had attended California State Polytechnic University, Pomona from 1966 to 1968.)
3. The PDQ stated that you had attended “Cal. St. University L.A.” from “9/70” to “6/72” and received an “M.S.” (You had not received any degree from, nor had you ever been enrolled at, California State University, Los Angeles; nor had you ever received a master’s degree from any school.)
4. The fact that you had attended Western State University College of Law from 1969 to 1970 was omitted from the PDQ.
5. The PDQ stated that you had attended “Loyola Law School” from “9/72” to “6/73.” (You had never attended Loyola Law School.)
6. The PDQ stated that you had attended “University of La Verne Law School” from “9/73” to “6/76” and received a “J.D.” degree in “6/76.” (You had attended La Verne College Law Center from 1970 to 1973; you had received a J.D. from La Verne College Law Center in 1973. You were admitted to the State Bar

of California in 1976; between 1973 and 1976 you failed the California bar examination five times.)

Under "honors ... or other forms of recognition," the PDQ stated "Who's Who in American Law." Your biography is included in *Who's Who in American Law*, 4<sup>th</sup> ed., 1985-1986. However, the biography states, "M.S., Calif. State U. - Los Angeles, 1972." (You had not received any degree from, nor had you ever been enrolled at, California State University, Los Angeles; nor had you ever received a master's degree from any school.)

Your conduct violated the Code of Judicial Ethics, canon 5B.

### COUNT THREE

In or about late 1995 or early 1996, you told Los Angeles County Superior Court Judge Michael Cowell that you were interested in being appointed to a judgeship. Judge Cowell recommended that you meet Los Angeles County Superior Court Judge Joseph DiLoreto, who he indicated could be of assistance in the judicial appointment process. To that purpose, you had lunch with Judges Cowell and DiLoreto at a restaurant in Los Angeles. During lunch, Judge Cowell made a statement to the effect that you had served in Vietnam or were a Vietnam veteran. You indicated that this was true. Judge DiLoreto asked you if you had been in Vietnam. You stated that you had, and had seen combat. Judge DiLoreto stated that this was important because Governor Wilson had been a Marine, and that you should stress this in your application.

Approximately six months to one year prior to your appointment as a superior court judge, and in furtherance of your 1996 application for judicial appointment, you asked Judge Cowell to submit a letter to Governor Wilson recommending you for a judgeship. Judge Cowell subsequently submitted a letter to Governor Wilson on your behalf that included a false statement to the effect that you had served in Vietnam or were a veteran of the Vietnam War. You reviewed

the letter before Judge Cowell sent it to the Governor and did not correct this false statement.

Your conduct violated the Code of Judicial Ethics, canon 5B.

#### COUNT FOUR

In connection with a public enrobing ceremony on August 25, 1997, for you and other judges recently elected, appointed or elevated to superior court, you submitted a Judges' Data Questionnaire (JDQ), dated by hand "July 31[?], 1997," in which you provided false information, as follows:

Under "Education":

1. The fact that you had attended Chaffey Junior College from 1963 to 1966 was omitted from the JDQ.
2. The JDQ stated that you had attended "CAL STATE POLYTECH. UNIV. Pomona," from "9/64" to "6/66." (You had attended California State Polytechnic University, Pomona from 1966 to 1968.) The line for degree was left blank, omitting the fact that you had received a B.S. degree from California State Polytechnic University.
3. The JDQ stated that you had attended "Cal Inst of Techn. Pasadena" from "9/66" to "6/68" and received a "BS" degree. (You had never received any degree from, nor had you ever attended, California Institute of Technology.)
4. The fact that you had attended Western State University College of Law from 1969 to 1970 was omitted from the JDQ.
5. The JDQ stated that you had attended "Loyola Law L.A." from "9/72" to "6/73." (You had never attended Loyola Law School.)
6. The JDQ stated that you had attended "La Verne Univ. School of Law" from "9/73" to "6/76" and received a "JD" degree. (You had attended La Verne College Law Center from 1970 to 1973. You were admitted to the State Bar of

California in 1976; between 1973 and 1976 you failed the California bar examination five times.)

Under "Private Practice Experience," the JDQ stated "1976 Gibson, Dunn." (You had never been employed by the law firm of Gibson, Dunn & Crutcher.)

Under "Fraternity, Club, or other Affiliations" in the JDQ, the box for "Veterans of Foreign Wars" was marked. (You had never been a member of, nor had you ever been eligible for, membership in the Veterans of Foreign Wars.)

Under "Armed Services Record," the JDQ only stated "US Navy," omitting "Reserves." (You had been in the Navy Reserves.)

Your conduct violated the Code of Judicial Ethics, canons 1 and 2A.

#### COUNT FIVE

In preparation for a speech introducing you at the public enrobing ceremony on August 25, 1997, referenced in Count Two, former Judge Charles Frisco interviewed you. You gave or affirmed to Judge Frisco false information, as follows:

1. You were recruited from the Navy to the Army. (You were in the Navy Reserves; you were never in the Army.)

2. You attained the rank of corporal in the Army. (You had never held the rank of corporal, nor any other rank, in the Army.)

3. You served in the Army for two years and were in Vietnam for sixteen months. (You were never in the Army, in Vietnam or otherwise.)

4. You received a Purple Heart. (You had never received, nor had you ever been eligible to receive, a Purple Heart.)

Your conduct violated the Code of Judicial Ethics, canons 1 and 2A.

## COUNT SIX

In approximately 1997, in your chambers, or elsewhere within the courthouse, you falsely stated to a group of attorneys appearing before you that included Catherine Pratt, as follows:

1. You went to Vietnam, implying the war in Vietnam, immediately upon turning 18. (You were not in the war in Vietnam at the age of 18, or otherwise.)

2. Upon returning from Vietnam, you went to college on the G.I. Bill. (You had not gone to college, nor had you been eligible to go to college, on the G.I. Bill.)

3. You received an undergraduate degree in physics from "Cal Tech." (You had never received any degree from, nor had you ever attended, California Institute of Technology.)

4. You had a master's degree in psychology. (You did not have a master's degree in psychology, nor did you have a master's degree in any other subject, nor did you have any degree in psychology.)

On a separate occasion in approximately 1997, from the bench, in the presence of Catherine Pratt among others, you announced that you had been late to court because of a medical appointment for shrapnel in your groin, implying that you had been wounded in military combat. (You had never received such an injury.)

Your conduct violated the Code of Judicial Ethics, canons 1 and 2A.

## COUNT SEVEN

In connection with a *Daily Journal* Judicial Profile published on or about February 19, 1998, you were interviewed by *Daily Journal* reporter, Cheryl Romo. You falsely told Ms. Romo that you were in Vietnam from 1968 to 1969, where

you held the rank of corporal and saw combat. (You had never been in combat, nor held the rank of corporal, in Vietnam.)

Your conduct violated the Code of Judicial Ethics, canons 1 and 2A.

#### COUNT EIGHT

On January 21, 2000, you appeared in the offices of the Commission on Judicial Performance and testified under oath regarding allegations that you had made false claims about your education and military experience.

You testified falsely that you received a master's degree in psychology from California State University, Los Angeles. The transcript of your January 21, 2000, statement, page 16, is attached as Exhibit A and incorporated by reference. (You had never received any degree from, nor had you ever been enrolled at, California State University, Los Angeles; you did not have a master's degree in psychology, nor a master's degree in any other subject, from any school; nor did you have any degree in psychology.)

You further testified falsely that you had participated in a covert CIA operation in Southeast Asia between June 1968 and December 1969, and that you had also made a delivery of funds or documents for the CIA in or about 1984 to a person in Africa. The transcript of your January 21, 2000, statement, page 35, line 5 through page 36, line 23, and from page 63, line 5 through page 110, line 24, is attached as Exhibit B and incorporated by reference. (You had not been affiliated with the CIA as you testified, nor had you been with the CIA in any capacity at any time.)

Your conduct violated the Code of Judicial Ethics, canons 1 and 2A.

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## COUNT NINE

In letters to the Commission on Judicial Performance dated October 29, 1998, and August 3, 1999, you falsely implied that you had participated in classified, covert CIA operations in Vietnam and/or Laos in 1968 and 1969. In a letter to the Commission on Judicial Performance dated May 26, 2000, you falsely stated that you had “participated in a classified, covert CIA operation in the Far East” in 1968 and 1969. (You had not been affiliated with the CIA as you implied or stated in your letters, nor had you been with the CIA in any capacity at any time.)

In the letter to the commission dated October 29, 1998, you falsely stated that you received a “J.D. from University of La Verne Law School in 1976.” (You received a J.D. from La Verne in 1973.)

Your conduct violated the Code of Judicial Ethics, canons 1 and 2A.

YOU ARE HEREBY GIVEN NOTICE, pursuant to Rules of the Commission on Judicial Performance, rule 118, that formal proceedings have been instituted and shall proceed in accordance with Rules of the Commission on Judicial Performance, rules 101-138.

Pursuant to Rules of the Commission on Judicial Performance, rules 104(c) and 119, you must file a written answer to the charges against you within twenty (20) days after service of this notice upon you. The answer shall be filed with the Commission on Judicial Performance, 455 Golden Gate Avenue, Suite 14400, San Francisco, California 94102-3660. The answer shall be verified and shall conform in style to subdivision (c) of rule 15 of the Rules on Appeal. The notice of formal proceedings and answer shall constitute the pleadings. No further pleadings shall be filed and no motion or demurrer shall be filed against any of the pleadings.

This notice of formal proceedings may be amended pursuant to Rules of the Commission on Judicial Performance, rule 128(a).

BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE

DATED: September 10, 2000

  
HON. DANIEL M. HANLON  
CHAIRPERSON



BEFORE THE  
COMMISSION ON JUDICIAL PERFORMANCE

CERTIFIED  
COPY

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IN RE

PATRICK COUWENBERG

CJP 15934

RECEIVED

JAN 26 2000

COMMISSION ON  
JUDICIAL PERFORMANCE

STATEMENT UNDER OATH OF

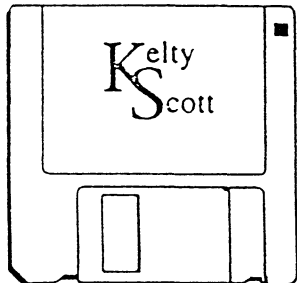
JUDGE PATRICK COUWENBERG

Friday, January 21, 2000, 11:02 a.m.

--oOo--

REPORTED BY:

SHERRY SHERRY, CSR NO. 5619



**KELTY & SCOTT**

Certified Shorthand Reporters  
702 Marshall Street, Suite 414  
Redwood City, CA 94063  
Fax: (650) 368-7924  
(650) 368-1881

1 Q And after Cal State Pomona your  
2 education after that?

3 A After that I went part time to Cal  
4 State. Then went to law school, graduated from  
5 the University of La Verne.

6 Q Okay. When you say you went to Cal  
7 State part-time, Cal State Pomona?

8 A L.A.

9 Q And did you get a degree from Cal State  
10 L.A.?

11 A Yes.

12 Q What was the degree in?

13 A Psychology.

14 Q Master's degree?

15 A (Witness nods head).

16 MS. DOI: I am sorry, I don't think  
17 that was verbal.

18 THE WITNESS: Yes.

19 MR. COYLE: Q Do you know why it is  
20 that your master's degree from Cal State L.A.  
21 would not be on the Judge's Data Questionnaire.

22 A I have no idea.

23 Q Did you have a discussion with your  
24 wife about leaving it off?

25 A No.



BEFORE THE  
COMMISSION ON JUDICIAL PERFORMANCE

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CERTIFIED  
COPY

IN RE

PATRICK COUWENBERG

CJP 15934

RECEIVED

JAN 26 2000

COMMISSION ON  
JUDICIAL PERFORMANCE

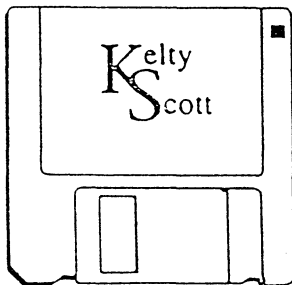
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5           Q       And it's not true that you regaled the  
6 attorneys with tales of harrowing combat  
7 experience in Vietnam?

8           A       Well we talked about it informally.  
9 About some of my experiences. That's true.

10          Q       Did you tell them shrapnel that you  
11 still carry in your body?

12          A       No.

13                   Can I tell you about how that came  
14 about?

15                   MR. MARGOLIN: Why don't you?

16                   THE WITNESS: Okay. At one point we  
17 had a number of adjudications. I indicated to the  
18 attorneys that I wouldn't be able to be there  
19 because I had a medical appointment. And I had  
20 gone in because there was some bleeding, and the  
21 certain x-rays that were taken at the time the  
22 doctor said it looks like you have shrapnel in  
23 your body and that's -- that's the explanation  
24 that I gave to the attorneys because they said why  
25 aren't you going to be here? I said I have a



1 medical appointment, certain x-rays were taken.  
2 That's how that came about.

3 MR. COYLE: Q Okay. Shrapnel, or  
4 whatever it was, was not the result of combat in  
5 Vietnam, was it?

6 A Not in Vietnam, no.

7 Q Well, you sent a response to the  
8 Commission on March 13th of 1998. Tell me if you  
9 recall making this explanation:

10 As far as having shrapnel in the  
11 body, I did sustain injuries but  
12 not as a result of being in  
13 combat in Vietnam as I thought I  
14 had made abundantly clear.

15 Was that your response?

16 A Yes.

17 Q Okay. What injuries were you referring  
18 to?

19 A They were injuries that I received in a  
20 firefight.

21 Q Where was the firefight?

22 A The firefight occurred not in Vietnam  
23 but in Laos.

5                   Now looking at your October 29th, 1998  
6   response letter to the Commission you state -- and  
7   feel free to refer to this letter.  It's on the  
8   front page toward the bottom in the last paragraph  
9   under military service.

10           A        Okay.

11           Q        You say "Judge Couwenberg served in the  
12   U.S. Naval Reserve as seaman apprentice from '65  
13   to '68"; that's true?

14           A        Yes.

15           Q        "After serving in the Reserves for less  
16   than two years he was given an honorable  
17   discharge"; that's true?

18           A        Yes.

19           Q        Then you go on to say, "I believe  
20   you'll appreciate the significance of such an  
21   early honorable discharge."  \Correct?

22                   MR. MARGOLIN:  This is Mr. Margolin  
23   saying that in his letter.

24                   MR. COYLE:  Okay.

25           Q        Do you recall reading that sentence

1 before it was sent to the Commission?

2 A I don't know if he read the letter to  
3 me or if he sent a copy before he sent it to the  
4 Commission, I don't remember. But I read it, yes.

5 Q Okay. Well, let me ask you this, what  
6 is the significance of that that the Commission  
7 should appreciate?

8 A When you join the Navy Reserve you join  
9 for six years. Four years reserve, two years  
10 active duty. When you complete your service you  
11 are given your separation papers. If for whatever  
12 reason you ask or you receive an early discharge  
13 there are different kinds of discharges that you  
14 can get.

15 In this case I had finished boot camp  
16 in the Navy Reserve, and I was still in school and  
17 I was approached by someone who said you can get a  
18 discharge from the Navy and you will not have to  
19 fulfill your obligation when you signed up for six  
20 years if you will do certain things.

21 My concern was that I did not want a  
22 medical discharge. I wanted an honorable  
23 discharge. I was told, you'll get an honorable  
24 discharge.

25 So, which I did get.

1           Q       Where were you when this person  
2   approached you?  
3           A       Physically speaking?  
4           Q       Yeah.  
5           A       I think I was at the -- at the Navy  
6   depot, I guess for a better word, in Pomona I  
7   think it was.  
8           Q       Had you ever seen this person before?  
9           A       Never.  
10          Q       Was he with the military?  
11          A       No, he was a -- he was in civilian  
12   clothes.  
13          Q       Was anyone else around when the  
14   conversation took place?  
15          A       I don't remember. We are talking about  
16   something that happened 33 years ago.  
17          Q       Did he seem to know who you were?  
18          A       Yes.  
19          Q       I mean it appeared that he knew who you  
20   were and singled you out and he was going to talk  
21   to you about this subject matter as opposed to  
22   just someone discussing in general?  
23          A       It would seem that way, yeah. At the  
24   time I didn't think anything of it.  
25          Q       At the time what did you think it was?

1           A        You know I didn't know. I hadn't been  
2 here that long. I just didn't know.

3                    I thought that to be given the  
4 opportunity to finish school, get my degree was  
5 fine and then be getting an honorable discharge, I  
6 didn't have to serve two years active duty. I  
7 didn't have to do four years of reserve duty  
8 sounded good to me.

9           Q        And this person told you that you could  
10 avoid these things if you were to do your -- do  
11 such things?

12          A        Certain things.

13          Q        Certain things your phrase was.

14          A        Yeah.

15          Q        Did he tell you what those certain  
16 things were?

17          A        Not at the time, no.

18                    He asked me if I was interested.

19                    I said yes.

20          Q        Interested in what?

21          A        In what he had to say.

22          Q        Did he tell you who he was with?

23          A        No. Not at the time.

24          Q        Who did you think he was with?

25          A        I thought he was with the military.

1 Except he wasn't in a uniform.

2 Q Did you ask him who he was?

3 A Yeah.

4 Q What did he say?

5 A He gave me his name.

6 Q Did you ask him what his position was?

7 A No.

8 Q Well I assume something relevant

9 happened after that conversation?

10 A Yes.

11 MS. YOUNG: Excuse me. Someone.

12 (Interruption at the door.)

13 MR. COYLE: Q This initial

14 conversation, did he just walk up to you?

15 A From what I remember, yes.

16 Q What were you? Like outside?

17 A No, we were inside. We were inside in

18 the room.

19 Q Why were you in that room before he got

20 there?

21 A Because you had to go, on Reserve I

22 remember you had to go certain dates, certain

23 meetings in the summertime, you went for two weeks

24 to wherever, whether you went to San Diego or some

25 other place. So you had these regular meetings.

1           Q       So this was a meeting room.

2           A       Yeah. Or a classroom is what it was, a

3       classroom.

4           Q       So it was a classroom.

5           A       Yeah.

6           Q       And he approach -- were there other

7       people there?

8           A       I'm pretty sure. The class was not in

9       session.

10          Q       Before or after the class?

11          A       Might have been during the class. I

12       don't know. I mean not when class was in session

13       but there were breaks.

14                   But I remember being in this room and

15       this gentleman came up and started talking to me.

16       And at the time I didn't think anything of it.

17       But what he had to say in terms of being able to

18       finish college, getting a discharge, that appealed

19       to me.

20          Q       Did he ask you, "Are you Patrick

21       Couwenberg?"

22          A       No. That I don't remember that.

23          Q       Did he tell you, "You're Patrick

24       Couwenberg, aren't you?"

25          A       Didn't say that. I don't remember

1     that.

2           Q       Be he appeared to know who you were?

3           A       He just started talking to me.

4           Q       What name did he give you?

5           A       I think his name was Jack Smith. I  
6     remember it was an ordinary name, it was like  
7     Jones or.

8           Q       All right. What happened next  
9     regarding this?

10          A       After that I said okay, what do I need  
11     to do?

12                   And he said well, you can request a  
13     discharge. Tell them there's something medically  
14     wrong with you.

15                   I said I don't want a medical  
16     discharge. I wanted an honorable discharge.

17                   And he said fine. No problem.

18                   And next thing I knew --

19          Q       Is this a second conversation you're  
20     having with him?

21          A       Yeah. We had -- we had like second  
22     time -- the second time I met him, trying to  
23     remember when this was -- because I got the  
24     discharge in '67. I think it was in February  
25     of '68. And these conversations took place before



1     then.

2                     Second time around he told me meet me  
3     and it was an office building. I remember it was  
4     in Pomona.

5             Q        When did he say meet you?

6             A        When? During that first -- that first  
7     time. That first conversation.

8             Q        So he said --

9             A        He said come and see me. And he gave  
10    me an address. And it was an office building. I  
11    believe it was on Mission Boulevard in Pomona.  
12    And I went there.

13            Q        What did the office appear to be?

14            A        Just a regular like a -- like an  
15    office. There were no names on the door. You  
16    walked in, it was a table, there were a couple of  
17    chairs.

18            Q        Just him?

19            A        Just him. I think it was during the  
20    third meeting that he said you were born in  
21    Indonesia. Yes.

22            Q        What did he say in the second meeting?

23            A        Second meeting? Don't remember. We  
24    just talked about general things.

25                     He said it may be necessary for you to

1 go overseas. And you know you can't tell anybody  
2 about this.

3 I said not even my parents?

4 He says well, you can tell your  
5 parents. All you can tell your parents is you are  
6 going to have to go overseas.

7 But I remember what I wanted to know  
8 was whether I could finish school because I was in  
9 school. And he said don't worry about it you can  
10 finish school.

11 Q During the second meeting did he tell  
12 you who he was, meaning what authority he had to  
13 tell you these things?

14 A No. That came later when I asked him,  
15 I said how do you -- because you don't have a  
16 uniform and I'm in the Navy Reserve, how is this  
17 going to happen?

18 And he said don't worry about it,  
19 you'll get an honorable discharge.

20 Q And what meeting was this?

21 A When he said this?

22 Q Yeah.

23 A It wasn't the second meeting. Might  
24 have been the third meeting.

25 Q Okay. At that time did he tell you how

1 he could do this for you?

2 A No.

3 Q Did he tell you who he was with?

4 A No.

5 Q Did you ask him?

6 A I did.

7 Q What did he say?

8 A And he said it's not -- none of your

9 concern, don't worry about it. He said you want

10 this?

11 I said yes.

12 Well, he says, I can take care of it.

13 I can do that.

14 Q Who did you think he was?

15 A I still thought that somehow he was

16 connected with the armed services. Because how

17 else was he going to do it?

18 And it wasn't until later -- as a

19 matter of fact, it wasn't until the year after

20 that that it became clear to me that he -- because

21 at the time I didn't know what the CIA was or the

22 Central Intelligence Agency or anything else for

23 that matter, you know?

24 I dealt with the Navy Reserve. I had

25 signed up. I had gone to meetings. I had gone to

1 boot camp. And that was it.

2 And they never referred to we are with  
3 the Central Intelligence Agency. We are with the  
4 CIA, you know? But it became clear because when I  
5 went overseas, you know?

6 Q Okay. Now you're saying "they." Did  
7 someone else is enter the picture?

8 A Well at some later date, yes.

9 Q So tell me about the third meeting with  
10 this man. You're starting to say that he knew you  
11 were born in Indonesia. Go ahead, what else was  
12 discussed?

13 A Well he basically knew my background.  
14 He knew when I had immigrated to this country. He  
15 knew where I lived. You know?

16 And I remember him asking, I thought  
17 that was kind of strange at the time. He says --  
18 and he says now, he says, you eat rice; right?  
19 You eat rice? And, you don't have any problem  
20 with that?

21 I said no, that's what we eat. I mean  
22 in retrospect I thought it was a little strange,  
23 you know?

24 Q Did he tell you why you had been  
25 chosen?

1           A       No.

2           Q       Did you ask him?

3           A       I didn't ask him.

4                   At a later time I asked someone else

5   and I said how does -- how do you -- how does this

6   come about? I mean why did they approach me?

7                   And the only thing that this person, I

8   think his name was O'Donnell or something like

9   that, and he said well, there are certain persons

10   that we look for whom we think can do the types of

11   things that we ask them to do.

12                  And I said is it because I'm an

13   immigrant? Because I came from Indonesia?

14   Because I was born in a foreign country? What's

15   the deal?

16                  He kind of smiled and said we have our

17   ways. And that was it.

18          Q       Well, I assume we are going to lead up

19   to some sort of covert operation. Had you had any

20   training, education?

21          A       Just boot camp.

22          Q       Experience?

23          A       Just boot camp. That was it.

24          Q       All right. Where do we go from the

25   third meeting?

1           A       The third meeting I think we had --  
2       there was one more meeting and he said we'll  
3       contact you at some later date.

4                   I said well when? Am I supposed to  
5       call you? Or come by or?

6                   He says no. We'll contact you.

7           Q       Did they?

8           A       Yes.

9           Q       How?

10          A       They contacted me by telephone, I  
11       believe. This is after I had graduated, and they  
12       said it may be necessary for you to go overseas.  
13       And I think it was around -- because I remember it  
14       was around Christmas time. It was in December.

15          Q       Go overseas to do what?

16          A       Nobody told me.

17          Q       At that point what did you think?

18          A       Well I asked him specifically. I said  
19       what is this going to be? Because I knew the war  
20       was going on in Vietnam.

21                   I said am I going to go to Vietnam?  
22       What is this about? What am I going to do?

23                   They said we will tell you when you get  
24       there.

25                   Of course, in the meantime I had told

1 my parents and my parents were very concerned.  
2 They said what is this all about?  
3 And I said I don't know.  
4 And my dad, I remember at the time  
5 saying, well I understand that you want to finish  
6 college but what is this? What's going to happen?  
7 And my mother of course said are we going to see  
8 you again? What is this all about?  
9 And I said that's all I can tell you.  
10 My dad said let me call somebody. I  
11 want to talk to somebody.  
12 And I said I was specifically told that  
13 that couldn't happen.  
14 Q Okay. At the point you're told you may  
15 go overseas is there more than one person? Is  
16 there more than this first Jack Smith?  
17 A No. That's the only person I talked  
18 to.  
19 Q All right. What happens after you're  
20 told you may go overseas?  
21 A That was it. I was contacted after I  
22 graduated. I graduated in '68. June. I was  
23 contacted. I was told that I would meet somebody.  
24 Q How were you contacted?  
25 A There was a telephone call. At home.

1       Because I was living with my parents.

2               Q       And who called you?

3               A       The same guy.

4               Q       Jack Smith.

5               A       Yeah.

6               Q       And he told you what?

7                       MR. MARGOLIN: Was it the same guy?

8       Was it the don't know or who?

9                       THE WITNESS: No it was Smith. Jack

10      Smith.

11                      MR. COYLE: Q What did he tell you?

12               A       And he said meet us.

13                      I said where am I going? What should I

14      take? What should I pack?

15                      He says nothing.

16               Q       What happened next?

17               A       I am pretty sure it was December.

18      December.

19               Q       Of what year?

20               A       It was '68.

21               Q       Okay. Go ahead.

22               A       We met.

23               Q       You met Jack Smith.

24               A       Yes.

25               Q       Where?



1           A           Um, met him at Pomona.

2           Q           Where?

3           A           Same. Same place. Same office.

4           Q           His office?

5           A           Same office.

6           Q           Now at this point has anyone else

7 entered the picture?

8           A           No.

9           Q           Go ahead. Let me ask one more thing.

10 How long -- this is December of '68. When was the

11 first meeting?

12           A           First meeting was in '67. I don't

13 remember when.

14           Q           At least a year earlier.

15           A           Yeah. Yeah.

16           Q           Go ahead.

17           A           And trying to remember because we went,

18 I remember we went to Minot, I think it was Minot

19 Air Force Base. I think it was an Air Force base.

20           Q           Where is this?

21           A           I think in South Dakota.

22           Q           How did you get there?

23           A           Flew. With a commercial flight. It

24 was a commercial flight. But it was very strange

25 because it was an Air Force Base. It was a

1 military base.

2 Q A commercial flight flew into a  
3 military base?

4 A I'm trying to remember. Because it  
5 wasn't a -- it wasn't a regular plane plane. It  
6 wasn't like a, you know, a passenger plane.

7 Q It was --

8 A It was a small plane.

9 Q Was anyone on it other than you and  
10 Jack Smith?

11 A Yeah, there were several people on it.  
12 It was a pilot. There were about, what I remember  
13 there were about six people on there.

14 Q Did they appear to be with Jack Smith  
15 or were they civilian passengers?

16 A Civilian clothes. Everybody had  
17 civilian clothes.

18 Q Did they appear to be with Jack Smith?

19 A Yeah, I would assume so.

20 Q What did you base that assumption on?

21 A Because they seemed to know -- they  
22 talked to each other.

23 MS. YOUNG: Excuse me, I don't want to  
24 interrupt. I am going to have to take a short  
25 break.

1 (Ms. young leaves the room.)

2 MR. COYLE: Q When you say it appeared  
3 to be a commercial airliner, are you talking just  
4 physically?

5 A Well it wasn't a military plane.

6 Q You are just talking physically, the  
7 plane appeared, the appearance of passengers.

8 A Right.

9 Q What airport did you depart from?

10 A That was trying to remember because  
11 we -- let me -- in Pomona. We drove. Was LAX.

12 Q Did you have to go through let's say,  
13 the normal security?

14 A No.

15 Q Ticket counter?

16 A No.

17 Q How did you get on the plane? From  
18 when you walked into the airport how did you get  
19 on the plane?

20 A He basically went through whatever, you  
21 know, building, walked onto the air field there  
22 was this plane. We got on board. There were  
23 already people in the plane. That was it.

24 Q Okay. And you land where?

25 A I think it was Minot. That was the

1 name of it.

2 Q And what state?

3 A It was South Dakota if I'm not

4 mistaken.

5 Q Minot?

6 A Minot? Mannat?

7 Q Minot. North Dakota?

8 A North Dakota? South Dakota? I don't

9 remember.

10 Q What happened when you got there?

11 A From there we went on a huge plane what

12 I think it was a B52. Air Force. Guam. Went

13 from Guam we went to Utaphao in Thailand.

14 Q And you land in Thailand, what do you

15 know at this point?

16 A Nothing.

17 Q Why are you there?

18 A Nothing. I knew nothing.

19 Q Okay. Why did you choose to go to

20 Thailand knowing nothing.

21 A Did -- I was told hold your questions.

22 When we get there we'll explain everything.

23 Q That was good enough for you.

24 A That -- well you got to remember this.

25 At the time because I had been in the country then

1 about what, six years? I didn't know what was  
2 happening. You know I came -- I came from a  
3 culture where you don't ask a lot of questions.  
4 If you're told to do something, do it. And that  
5 was it.

6 Q Were you told to do it or asked to do  
7 it?

8 A I was asked to do it. Nobody told me  
9 to do it.

10 Q Okay. So why did you go?

11 A Because initially there was the promise  
12 of an early discharge, an honorable discharge and  
13 I liked that. The fact that I could finish  
14 school, that I could get a degree and, you know,  
15 and the questions that I had, of course, because I  
16 knew that there was a war in Vietnam, I said now  
17 what exactly is this going -- is this going to be  
18 dangerous or what's going to happen?

19 And Jack said it's -- that's not --  
20 some danger involved but, you know, it's not like  
21 being up in the front lines. And that was  
22 basically all he said.

23 Q What happened when you got to Thailand?

24 A When we got to Thailand there were a  
25 bunch -- there were a bunch of people. And what I

1 remember was -- there was a whole bunch of  
2 Scandinavians. And I have had no idea what they  
3 were like mercenaries. But why Scandinavians,  
4 that's what I remember. There was a whole bunch  
5 of Scandinavians.

6 Q Scandinavian mercenaries in Thailand?

7 A They were Scandinavians.

8 Q What did they have to do with you?

9 A Nothing. I was just thinking back  
10 because I remember them. And from -- from Utaphao  
11 there was a -- there was a bunch of us. There  
12 were other people.

13 Q Okay. When you say "other people"?

14 A Other people my age. There were young  
15 people.

16 Q Who were they? I mean why were they  
17 there?

18 A Probably for the same reason.

19 Q You took them to be in the same  
20 situation you were?

21 A I guess so.

22 Q Did you talk to any of these people?

23 A Jack Smith said don't ask a lot of  
24 questions; okay? We'll tell you what to do.  
25 We'll take care of you. Don't start asking

1 questions okay? Because here the more questions  
2 you ask the more -- the more danger it is for you.  
3 So don't ask a lot of questions.

4 Q All right. What happened next?

5 A We'll take care of everything.

6 Q Okay. What happened next?

7 A We stayed in Utaphao for a couple of  
8 days I remember. Then we went to a place which  
9 was another Air Force Base. I think the name was  
10 Udorn which was in northern Thailand. Close to  
11 the Laos border. And there was another guy, I  
12 forget his name. And he said -- he basically told  
13 us this is what we're going to do.

14 Q What did he tell you?

15 A He told us that we would be working  
16 together with a local guy. I think his name  
17 was -- called himself a general. He was -- I  
18 think he was a Laotian. His name was Vinh Phao or  
19 something like that. He called himself General  
20 Vinh Phao.

21 Q You were in Laos at this point?

22 A No, we are still in Thailand.

23 Q Yes?

24 A But the general operated from a base in  
25 Thailand and we were to go with him and we were to

1 I guess assist him, you know?

2 And also what I remember at the time  
3 because there were -- I think it was the -- I am  
4 not sure -- there were Special Forces there. Of  
5 course they were in uniform.

6 Q Now when you say Special Forces are you  
7 talking about Army Green Beret?

8 A Yeah. I don't know if it was the  
9 Seventh Special Forces group? I don't remember.

10 Q At this point do you know who these  
11 people are? Jack Smith and his associates?

12 A Not really. Not really.

13 Later on, because what I couldn't  
14 understand was these were -- these were military  
15 bases. I mean these were Air Force bases. There  
16 were people in uniform and yet there were these  
17 people in civilian clothes who came and went as  
18 they pleased.

19 Q Okay. At this point had Jack Smith or  
20 his cohorts, whatever agency he was with at that  
21 point, given you any training?

22 A No training. Not at that point.

23 Q All right. What happened next?

24 A I'm trying to remember. From Udorn we  
25 went to -- we went to another little place. And



1     then we went to where this general had his  
2     headquarters which was in the middle of nowhere.  
3     It was like on a hill top, I remember that.

4             Q       Do you know what country you were in?  
5             A       It was Laos.  
6             Q       It was a Laotian general?  
7             A       No. He wasn't.  
8             Q       U.S. general?  
9             A       No, no. He called himself General.

10    General Vinh Phao but we -- because I remember at  
11    some point I remember I asked, who are all these  
12    people? Because you had the Royal Laotian Air  
13    Force which was an Air Force. And they were  
14    getting all sorts of help from the U.S. Air Force.

15             Then they are talking about the Patet  
16    Lao which I guess was -- when it was first  
17    mentioned when I heard that name I didn't know who  
18    they were but they were I guess the Communist  
19    counterpart of the Khmer Rouge in Cambodia.

20             So you had all these little different  
21    groups; you had the U.S. Air Force, the Royal  
22    Laotian Air Force, this guy who called himself  
23    general who I later found out was in the opium  
24    trade.

25             Q       Of course at this point how many other

1 people in your situation were there?

2 A There must have been about 15 or 20 of  
3 us.

4 Q Were they Americans? Appear to be  
5 Americans?

6 A Yeah, they spoke English.

7 MR. MARGOLIN: That's what you know.

8 THE WITNESS: Yeah.

9 MR. COYLE: Q All right. Go ahead.

10 A That was basically it. And part of our  
11 job was to at times certain shipments would come  
12 in, armed shipments, small arms, some mortars,  
13 some grenade launchers and those had to be  
14 funneled to these Scandinavians. So at times  
15 there were convoys, not really convoy, maybe  
16 three, four trucks, and we would meet at certain  
17 places and deliver this stuff. That's what we  
18 did.

19 And at some point, because apparently  
20 from what I was able to gather, and again, the  
21 fact that they were Scandinavians stuck out in my  
22 mind because I couldn't understand what they were  
23 doing there. But apparently -- I found this out  
24 later on -- they were used as mercenaries to  
25 disrupt some of the convoys that came down on the

1 Ho Chi Minh Trail. So. And they were being  
2 supplied by what I assume to be, what I knew later  
3 on was the CIA because they had their own -- they  
4 had converted DC3s like gun ships that would  
5 provide air support.

6 (Ms. Young returns.)

7 THE WITNESS: Sometimes they would call  
8 in air strikes. Sometimes there would be the U.S.  
9 Air Force because they had -- they had various  
10 bases, they had a base. They had a base at Takli  
11 I believe the name was. Korut was another one.  
12 They had F -- I think they were F-1s or F-105s.  
13 Fighter planes. But those were the U.S. Air  
14 Force.

15 The CIA had their own planes. They  
16 were converted gun ships. I remember there were  
17 some.

18 MR. COYLE: Q So at that point you  
19 knew you were the CIA.

20 A Yeah. Well I assumed. Nobody ever  
21 said CIA. Nobody ever said that.

22 Q Well --

23 A They would say, "You with the company?"  
24 "Yes."

25 Q At the point that you're in this convoy

1     doing this work was there -- who was in charge?  
2     Were there any Americans like Jack Smith in charge  
3     there?

4           A        Yes.   Yes.   Yes.   But they were always  
5     in civilian clothes.   I never saw one of these  
6     people in uniform.

7           Q        How long did you do this?

8           A        I did that for about a month.

9           Q        Were you getting paid for this?

10          A        Yes.

11          Q        How --

12          A        Paid in the sense of -- yeah, they --  
13     not a paycheck but they would give you money.

14          Q        How much money would they give you?

15          A        Geez.   I don't remember.   Geez.

16          Q        I mean were they giving you like a set  
17     amount at a set period or would you just say I  
18     need money?

19          A        Well you never really needed money  
20     because everything was taken care of.   Your meals.  
21     They gave us clothes.   They gave us boots.   You  
22     know.

23          Q        Why were they giving you money?

24          A        Well I remember that we -- that we  
25     would get money but you really didn't need the

1 money. You know?

2 At some point I remember going to  
3 Bangkok, Thailand, and that was for like a couple  
4 of days or whatever, you know? With this other  
5 guy, and what was his name? Jesus. It was a  
6 red-headed guy. I can't think of his name. But  
7 he kind of -- he took about five of us under his  
8 wing, if you want to call it that, and said we are  
9 going to Bangkok.

10 Q Well, did you ever reach some agreement  
11 or understanding? Were you told? Did you ask am  
12 I going to get paid for this? How long am I going  
13 to be here?

14 A I never asked. I did ask how long am I  
15 going to be here?

16 Q And what did they tell you?

17 A They said we can't tell you.

18 My main concern was because at some  
19 point we got -- when I say we -- this -- these  
20 trucks, that was a firefight and I mean -- and I  
21 remember that because that's the very first time  
22 that that happened to me. And at that point I  
23 thought you know I can -- I can die here. Okay?  
24 The reality of it I think, because at first it was  
25 like an adventure; okay?

1                   And when that happened and some people  
2    did get shot, that's when it dawned on me that  
3    this is, this is not really an -- I mean it's an  
4    adventure but it could be a deadly adventure and  
5    that's when I started asking more questions.

6           Q        Okay. We will get into the firefight  
7    in a minute. Let me go back.

8                   Before you left Pomona did it appear to  
9    you that they were conducting a background  
10   investigation of you?

11          A        No. Never -- never thought about it.

12          Q        They weren't asking you questions which  
13   were -- which you think --

14          A        You know they never asked questions.  
15   They basically told me we know you were born in  
16   Mala. You were born in Indonesia. You came to  
17   this country, you landed in New York.

18                   They basically -- the first time I met  
19   Jack Smith he basically told me those things. You  
20   know you ended up, first you ended up in  
21   Riverside. Then you went to Ontario. You went  
22   here, you worked, you took a year off, you worked  
23   as a custodian. All true. I don't know how he  
24   knew that.

25          Q        They never asked you any philosophical

1 questions?

2 A Never asked me.

3 Q Any questions of allegiance to country?

4 A No. The only thing that I thought was

5 strange at the time is he says, "You eat rice,

6 don't you?"

7 And I said yeah.

8 And he says, "You can survive on a bowl

9 of rice, can't you?"

10 I said well, yeah. But I didn't

11 understand at the time. But later on it became

12 evident because sometimes that's all you had.

13 Q Okay. Did -- did any of your relatives

14 or friends tell you there are people asking

15 questions about you?

16 A No.

17 MR. MARGOLIN: There is your first case

18 dealing with that kind of operations, isn't it?

19 MR. COYLE: Well I'll answer that after

20 this. I'll all your questions after this.

21 MR. MARGOLIN: Okay.

22 MR. COYLE: It's my first case of this,

23 that's true.

24 Q You're in a firefight.

25 A (Witness nods head).

1           Q       Is this why you were wounded?

2           A       No. No, not that first time.

3           Q       Tell me about getting wounded.

4           A       That happened in -- that was in

5   northern Laos. And that was a case where as I

6   indicated to you, this person who called himself

7   General, I think his name was Vinh Phao, had this

8   compound and at some point it came under attack.

9   Because I think what -- you know, if I can -- can

10 we go off the record for a minute? Because I want

11 to ask him a question.

12          Q       We can go off the record.

13                   (Discussion off the record.)

14          MR. COYLE: Q   What were you going to

15 say?

16          A       What I was going to say was later on,

17 and we're talking now about the early '80s, I was

18 contacted again. I was going to go hunting in

19 Africa. And I got a call, not from Jack Smith,

20 from somebody else who said we know you're going

21 to go to Africa. How they even know I have no

22 idea. Can you go to Bangui, which is the capital

23 of the Republic of Central -- in those days it was

24 French Colony. At some point it was called the

25 Republic of Central Africa, the center of Africa.



1                   If we give you a contact can you meet  
2   this person and see that certain funds go to this  
3   person? Also, can you take somebody along?  
4   Because I wanted to go hunting on the border of  
5   Zaire and Central Africa. Central African  
6   Republic.

7                   Well to the north the boundary, it's  
8   the last boundary with Chad, and at the time Chad  
9   was waging war with Libya. Can you camp by the  
10  border and you will be contacted by somebody. And  
11  all you need to do is give this person certain  
12  documents. And I said I can do that.

13           Q       This is in the '80s?

14           A       '84 I believe it was.

15           Q       Do you know who this person was?

16           A       No. Never met him before.

17           Q       But you did ultimately meet him?

18           A       Never met him.

19           Q       You met someone?

20           A       Met someone in Bangui.

21           Q       CIA?

22           A       I would assume, it was a French man,  
23  though. He had a French accent. Not an American.

24                   But anyway, the reason that I am  
25  telling you that is because when this -- when I

1 think, that the CIA was very much concerned about  
2 China becoming involved in this conflict and  
3 sending troops because China had, if you look at a  
4 map, I think northern Laos and Vietnam, to the  
5 north is China and they were concerned about not  
6 just the convoys coming down from north Vietnam  
7 but they were concerned about China, and so they  
8 had this -- they were always trying to protect  
9 this area.

10 I remember them referring to two areas,  
11 one they called the barrel roll which was like the  
12 northern part of Laos, and then the steel cage  
13 which was the middle and southern part of Laos,  
14 and whenever they were calling -- they were  
15 calling an air strike always to protect this  
16 General; okay? And it only became clear later on  
17 why they were doing that.

18 Now, to answer your question, at this  
19 particular time we were at that location and his  
20 location was being attacked. And so they called  
21 in air strikes and they had air strikes from both  
22 the U.S. Air Force, because I remember these  
23 F-105s came streaking over and that's when I  
24 got -- that's when I got injured.

25 Q What was your injury?

1           A        I got -- I got -- it was either  
2   shrapnel or -- but I got hit in the leg. Right --  
3   right here underneath my knee on my left leg.  
4           Q        After some explosion.  
5           A        Correct.  
6           Q        And what kind of medical treatment did  
7   you receive there?  
8           A        They treated me right then and there.  
9           Q        Who treated you?  
10          A        A medic.  
11          Q        And there is a medic with what, U.S.  
12   Army? Laotian Army? Civilian? What is it?  
13          A        You know I don't remember. I don't  
14   remember.  
15          Q        Did the CIA have their own medics?  
16          A        They had some medical personnel but  
17   they were mostly -- it was either U.S. Air Force  
18   or it was Laotian Army.  
19          Q        What -- how did they treat you?  
20          A        They cleaned the wound. They kind of  
21   opened it up, and from what I remember they put  
22   sulfur powder on the wound. And then bandage all  
23   up and that was it. Gave me a shot. I guess it  
24   was a tetanus shot. I don't know.  
25          Q        Okay. And years later the apparent

1 shrapnel the doctor discovered was not in your  
2 knee?

3 A No, but I tell you how that came about  
4 because I started bleeding and I couldn't -- I  
5 went to a urologist and that's why I said the only  
6 name I can remember is Benderev.

7 He did -- I don't know, there's a name  
8 for it where they stick a tube in through the  
9 urethra and they look into your bladder because it  
10 could be cancer of the bladder or whatever it is,  
11 that wasn't it.

12 Then I went to another doctor. I went  
13 to that Persian doctor. They did other tests. I  
14 remember going to one doctor, he was an older  
15 doctor. I think he performed a colonoscopy, that  
16 wasn't it.

17 Q Where was the shrapnel?

18 A Well --

19 MR. MARGOLIN: Which part of the body  
20 you mean?

21 MR. COYLE: Yes.

22 THE WITNESS: Well originally when I  
23 was injured it was in my leg. It was right below  
24 my knee but when they took the x-rays they took an  
25 x-ray I believe of the lower body. The lower body

1 part.

2 MR. COYLE: Q Right.

3 A So.

4 Q Where did -- in the '90s, I think you  
5 said in '90 --

6 A All I can tell you is he looked at the  
7 x-ray and he said it looks like you have some  
8 shrapnel in your body.

9 And I looked at him but it's not sure,  
10 he said very tiny but I don't know it could be  
11 something else.

12 Q Did he tell you it was in your knee.

13 A No, I don't -- I don't know. I don't  
14 know if he told me the location of it.

15 Q Did he say that might be causing your  
16 urological problem?

17 A Yes. Yes. But after all these tests  
18 it went away. So.

19 Q Has your knee ever bothered you since?

20 A Sometimes it does.

21 And other than that I can tell you one  
22 other injury which wasn't really serious, maybe  
23 you could still see it. I was sitting in a  
24 spotter plane and we flew kind of low and there  
25 were -- there was another attack and the -- the

1     plexiglass got hit, and I don't know if you can  
2     see it. There's still a scar right here. And  
3     something hit me and I started bleeding profusely  
4     and that was it.

5                   MS. DOI: The record should reflect it,  
6     he's indicating his left forehead.

7                   THE WITNESS: Right.

8                   MR. COYLE: Q At some point when you  
9     were in Laos it became apparent to you you were  
10    working with the CIA; right?

11            A       Yes.

12            Q       How long were you in Laos?

13            A       I was there in December into '69.

14            Q       Were you in any other countries in the  
15    area?

16            A       Thailand. I was -- one time we went to  
17    Saigon and I remember being in a hangar. I don't  
18    know where it was. And the hangar was stocked  
19    with bales of heroin.

20            Q       Did it ever become apparent to you why  
21    they had chosen you? What skills did you have  
22    that they were using over there?

23            A       I don't know. Don't -- other than  
24    perhaps that I had been born in a tropical climate  
25    that I had certain immunities because I never got

1 sick. I never got diarrhea. A lot of the other  
2 personnel, American personnel suffered from  
3 diarrhea. Couldn't eat the food. Had to eat  
4 C-rations. I never did. I ate rice, dried fish.  
5 I ate what they ate.

6 Q Did you speak any relevant languages?

7 A No. Only languages I spoke at the time  
8 was -- spoke Dutch, spoke Indonesian. Spoke  
9 German. I had a fairly workable knowledge of  
10 French.

11 Q What if any training did the CIA do for  
12 you, with you in Laos?

13 A The only -- the only training -- and it  
14 really wasn't training. Because in boot camp we  
15 had been trained. The only training as such was  
16 the operation of -- of the M 14 at that time. The  
17 M 14 later became the M 16. Automatic, small  
18 arms. Use mortars. That was it.

19 Q Were you doing any --

20 A And I should add to that, and low  
21 altitude jumping.

22 Q Were you doing anything in Laos that  
23 they couldn't have gotten locals to do?

24 A They did have locals who worked with  
25 him.

1           Q       Did you ever figure out why you were  
2   there?

3           A       No.  It's the same thing, like why were  
4   the Scandinavians there?  That to this day I have  
5   no idea.  Why Scandinavians?  Why not French or,  
6   you know?

7           MR. MARGOLIN:  Why was he in the boot  
8   camp in the first place?

9           MR. COYLE:  Q  Were you in boot camp in  
10  the first place?

11          MR. MARGOLIN:  Yeah.  Why?

12          MR. COYLE:  Q  Why were you?

13          A       Because it was part of it.

14          Q       I am not sure I understood the  
15  question.

16          MR. MARGOLIN:  Okay.  I'll talk with  
17  you about it later.

18          MR. COYLE:  Okay.

19          Q       At any point did the CIA tell you you  
20  can't talk about this?  This is secret?

21          A       They said that from the very beginning.

22          Q       When?

23          A       When we first -- when we first talked  
24  they said are you interested?

25                I said yes I am.



1                   They said you realize that there's  
2   nothing -- there's nothing in writing.  There are  
3   no documents.  Such as you're going to get an  
4   honorable discharge that's a document, understand  
5   that?

6                   I said yes.

7                   He says there is -- in other words,  
8   there will be no record of this, do you  
9   understand?

10                  I said yes.

11                  Now what I didn't -- what I neglected  
12   to ask him at the time, which I didn't even think  
13   about it at the time, all I was concerned was  
14   getting -- I wanted an honorable discharge.  But  
15   what I didn't realize was that officially if you  
16   didn't have any active duty you were not entitled  
17   to any benefits under the GI Bill.  Because that  
18   only applied to veterans who had served in active  
19   duty.  And of course later on I discovered that  
20   and, you know?  That's the way it is.

21                  Q       Okay.  My question was did the CIA at  
22   any point tell you not that they wouldn't have any  
23   records of it, did they tell you you couldn't talk  
24   about it?

25                  A       Yes.

1 Q When did they tell you that?

2 A From the very beginning.

3 Q That's the first meeting with Jack

4 Smith?

5 A They said -- basically he didn't tell

6 me anything in the first meeting. He didn't tell

7 me where I was going or what was going to happen.

8 But I remember asking him, he said

9 either after the second or third meeting, can I

10 tell my parents about this?

11 And he says well, you can tell your

12 parents but all you can tell your parents is that

13 you will be going overseas. And that's it.

14 But after that it was always -- it was

15 like an unwritten thing you didn't talk about it.

16 You didn't tell people about it.

17 Q Did they tell you that?

18 A Yeah. At times.

19 Q What would they say?

20 A They said that these operations -- you

21 understand these operations do not exist. That's

22 what they said.

23 Q Were you a CIA agent?

24 A Well, whatever you want to call it. I

25 mean --

1                   MR. MARGOLIN: I will object on the  
2 ground of legal conclusion.

3                   THE WITNESS: -- whether it's agent.  
4 Operative.

5                   MR. COYLE: Q So you were there how  
6 long?

7           A        I was there for a month. I went back  
8 during -- I remember I went back during the  
9 monsoon season which starts I believe in June.  
10 It's June through October. It's real wet.

11           Q        When you say you went back, where did  
12 you go?

13           A        Went back home.

14           Q        Went back to the U.S.?

15           A        Went back home.

16           Q        What were you told? What parting  
17 instructions were you given?

18           A        Simply not -- not to discuss anything.  
19 And basically what then was you realize this does  
20 not exist. These operations never happened.  
21 Doesn't exist. And if you're asked don't say  
22 anything.

23           Q        Did they tell you what would happen to  
24 you if you did talk about it?

25           A        No.

1 Q Why are you able to talk about it now?

2 A Well, I'm not really able to talk about

3 it. You're asking me these questions and I am

4 trying to answer them to the best of my ability.

5 Q But you are not saying I am not allowed

6 to answer this.

7 A That's true. And I expressed the same

8 concern to Mr. Margolin. I said if they are going

9 to go into this what am I supposed to do?

10 Q Now, did you tell Deputy Verducco that

11 you were with the CIA?

12 A No. I do remember telling him that I

13 was involved in some covert operations and that

14 was it.

15 Q Why did you tell him that?

16 A Because he kept asking me. He said

17 what did you do over there? You know?

18 And I said you know I can't really talk

19 about it. All I can tell you is that it was

20 covert.

21 Q Okay.

22 A That's it.

23 Q If you were instructed by the CIA never

24 to talk about this why did you bring it up at all?

25 A You know I just don't know. I can't

1 answer that. Stupidity on my part.

2 The problem was in children's court  
3 there was such a -- you know I tried to explain  
4 this to Mr. Margolin. It was an informal setting.  
5 There were a lot of discussions going on.  
6 Sometimes I would tell them little bits and pieces  
7 to illustrate a point or to make a point. Never  
8 anything specific.

9 My mistake probably, if you want to  
10 call it this, is a sin of omission. Instead of  
11 making it abundantly clear this is not what I did,  
12 I was not a Vietnam veteran, I was not attached to  
13 the military I never did that. And if certain --  
14 if there were certain conceptions I never  
15 corrected those.

16 But I never said these things simply to  
17 tell a story. They happened in informal  
18 conversations, off the bench, when I was trying to  
19 make a point or illustrate a point I was trying to  
20 make, that's how this came about.

21 And Verducco always wanted to talk  
22 about his Vietnam experiences. And he kept, he  
23 would always ask me, well have you been here?  
24 Have you been?

25 And I said you know I can't really talk

1 about it. And the only thing I told him, I said  
2 at some point I said I was -- I was in covert  
3 operations, that's it.

4 What I do remember telling him was I'm  
5 familiar with some of the Special Forces  
6 operations but I don't remember telling him ever  
7 that I was actually part of Special Forces.

8 But why did I tell him that? I have no  
9 idea.

10 Q Okay. You never recall telling him you  
11 were part of Special Forces. Are you  
12 affirmatively stating that you did not tell him?

13 A I did not tell him that.

14 Q Okay. And you did not tell him you  
15 were with the CIA?

16 A I don't think I did.

17 Q Are --

18 A You know I never -- I think probably  
19 Mr. Margolin is the first person I've told that to  
20 and there's maybe one other person who knows and  
21 that's it.

22 Q So you'd remember whether or not you  
23 told Verdusco you were with the CIA?

24 A I'm pretty sure, yeah.

25 Q Were you ever in Vietnam?

1           A           Yes. I was at Saigon. Very short.

2           Q           That was part of whatever you did with

3 the CIA?

4           A           (Witness nods head).

5           MR. MARGOLIN: The answer was "yes."

6           THE WITNESS: Yes.

7           MR. COYLE: Q So I take it any

8 previous answer -- let me ask you this question.

9 You referred in your final letter here of August

10 3rd of '99, you referred us to two books "Shooting

11 the Moon" by Roger Warner, and "Backfire, the CIA

12 Secret War in Laos and Its Link To the War in

13 Vietnam"?

14          A           Right. I did not refer you to those.

15          MS. YOUNG: Want me to?

16          MR. MARGOLIN: We have referred to a --

17          MS. YOUNG: I have an explanation for

18 that answer since --

19          MR. COYLE: I just want to ask the

20 question.

21          THE WITNESS: The answer to your

22 question you referred. I did not refer those

23 books.

24          MR. COYLE: Q Have you read those

25 books?

1           A           No.

2           Q           Do you know why those books appeared in  
3 this letter on your behalf?

4           A           I think -- I'm not sure. I think when  
5 this topic came up and I talked to Mr. Margolin  
6 and Ms. Young I think that they themselves  
7 conducted research, and perhaps in an effort to  
8 see if I was telling the truth or whatever, and  
9 they came upon -- or -- and Ms. Young can correct  
10 me -- but I think that's what they did and they  
11 came up with those books that apparently dealt  
12 with those subjects. I wasn't familiar with those  
13 books. I have never read those books.

14          Q           Have you read any other books on that  
15 subject, the CIA's covert operations, in or around  
16 Vietnam?

17          A           No. Never have.

18          Q           I take it by a previous answer you  
19 gave -- well let me ask it this way. If we  
20 contacted the CIA and asked them if they had ever  
21 heard of you what would you expect their answer to  
22 be?

23                   MR. MARGOLIN: You are speculating at  
24 this point if you can answer that.

25                   THE WITNESS: I -- well, I would be



1     speculating but I'm pretty sure they will say we  
2     don't know what you're talking about.

3                   MR. COYLE:   Q   Well were you ever told  
4     what they would say?

5           A        No, other than what I indicated to you  
6     earlier which was that basically they told us  
7     this, what you see here never took place.

8           Q        Well, before you came to give this  
9     statement did you contact the CIA and ask them  
10    what you could or could not reveal?

11          A        No.

12          Q        Well you have revealed some information  
13    regarding your association with the CIA in Laos,  
14    what is your basis for believing that you were  
15    allowed to reveal that information?

16          A        I don't have any.  I'm assuming that I  
17    wasn't allowed to reveal that information.

18          Q        Then why did you?

19          A        Because you asked me the question and I  
20    asked Mr. Margolin and he said when they -- when  
21    they ask you those questions, you know, I'll make  
22    a statement before we start the deposition but  
23    answer the questions truthfully.  That's why I've  
24    given you the answers I have.